

Response Under 37 C.F.R. § 1.111
U.S. Appln. No.: 10/669,603

REMARKS

Claims 1-6, 8-13, 15 and 16 are pending.

Applicants note with appreciation that claims 15 and 16 are allowed, and that claims 5 and 12 are indicated to recite allowable subject matter.

In Paragraph No. 2 of the Office Action, claims 1-4, 6, 8-11, and 13 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ushirogouchi et al. (US 6,440,636 B1) in view of Kodama (US 6,733,951 B2).

Applicants submit that this rejection should be withdrawn because Kodama '951 is not prior art with respect to the present claims.

The prior publication of Kodama '951 (i.e., US 2003/0075708 A1) was published April 24, 2003. This date is later in time than Applicants' priority date of September 30, 2002.

To remove Kodama '951 as prior art under § 102(a), Applicants submit herewith verified English translations of their priority documents. Section 112 support for present claims 1-4, 6, 8-11 and 13 in the priority documents is as shown in the following chart:

Present Claim	Support in Priority Document JP 2002-287252	Support in Priority Document JP 2002-287393
1	Claim 1	Claim 1
2	Claim 2	
3	Claim 3	Claim 2
4	Claim 4	Claim 3
6	Page 62, third paragraph	
8	Page 65, paragraph [0117]; page 103, paragraph [0184]; page 104, [0186]; Examples, at [0203]	

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Present Claim	Support in Priority Document JP 2002-287252	Support in Priority Document JP 2002-287393
9	Claim 2	
10	Claim 3	
11	Claim 4	
13	Page 62, third paragraph	

In view of the above, the prior publication of Kodama '951 is not prior art with respect to the present claims.

Kodama '951 thus would be prior art with respect to the present application solely under § 102(e), as of its U.S. filing date of May 14, 2002.

To remove Kodama '951 as prior art under § 102(e) for purposes of § 103, Applicants provide a statement of common ownership, as follows:

Statement of Common Ownership:

The present application and Kodama US 6,733,951 B2 were, at the time the invention of the present application was made, commonly owned by Fuji Photo Film Co., Ltd.

In view of this statement of common ownership, Kodama '951 is disqualified as prior art for purposes of section 103 with respect to the present application. See 35 U.S.C. § 103(c).

Accordingly, the Examiner is respectfully requested to withdraw the section 103 rejection of claims 1-4, 6, 8-11 and 13 based on Ushirogouchi et al. '636 in view of Kodama '951.

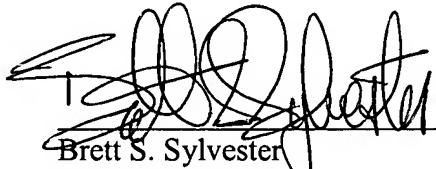
In view of the above, it is respectfully submitted that claims 5 and 12, which depend directly (claim 5) or indirectly (claim 12) from independent claim 1, are allowable in their present form.

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Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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